

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIA DIAZ,

Plaintiff,

-against-

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK and CARL
GRIZZLE,

Defendants.

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NOTICE FOR REMOVAL

20-cv-5094

Defendants NATIONAL RAILROAD PASSENGER CORPORATION (“Amtrak”), and
CARL GRIZZLE, through their attorneys, Landman Corsi Ballaine & Ford P.C., respectfully
states upon information and belief:

1. A copy of the Civil Cover Sheet is annexed hereto as Exhibit A.
2. Amtrak has not been served with the Summons and Complaint in this matter pursuant to 49 U.S.C. § 24301.
3. On October 7, 2020, defendant Amtrak learned of the Summons and Verified Complaint in this action which is currently pending in the Supreme Court of the State of New York, County of Queens. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit B and constitutes all prior pleadings filed in this action.
4. According to the Verified Complaint, on November 4, 2017, plaintiff Dania Diaz was walking on or around 39-29 Honeywell Street in Queens, New York, allegedly owned by defendant Amtrak, when she was caused to slip and fall and sustained serious personal injuries.

Plaintiff Dania Diaz alleges that the cause of her injuries was due to the negligence of defendants by allowing a dangerous condition to remain and exist on the aforementioned premise.

5. Defendant Amtrak is removing this action because defendant Amtrak was created by an Act of Congress, 49 U.S.C. § 24101, et seq., and more than one-half its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. § 1331 and § 1349 and is one which may be removed to this Court by Amtrak, pursuant to the provisions of Title 28, U.S.C. § 1441.

6. As counsel for both Amtrak and Carl Grizzle, I consent, on behalf of Mr. Grizzle, to Amtrak removing this case to the United District Court for the Eastern District of New York.

WHEREFORE, Defendants pray that the action now pending against them in the Supreme Court of the State of New York in and for the County of Queens be removed therefrom to this Court.

Dated: New York, New York
October 22, 2020

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

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